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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BETIT, JACOB F	

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,404	JACQUEMOT ET AL.	
	Examiner	Art Unit	
	Jacob F. Betit	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 24-June-2002. It is noted, however, that applicant has not filed a certified copy of the WO/0184313 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The preamble of claim 15 recites "a method of managing a computer system". The steps of claim 15 never require a computer to be managed and therefore lack the steps required to fulfill the purpose of the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 30-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 30-34 are directed to a "computer-readable medium" which is defined in the specification as "a storage medium such as magnetic or optic, as well as a transmission medium such as a digital or analog signal." Because the computer-readable medium is defined to include a digital or analog signal, this claim is directed to non-statutory subject matter since the claim is not limited to tangible embodiments.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kampe et al. (U.S. patent application publication No. 2002/0007468 A1).

As to claim

As to claim 1, Kampe et al. teaches a computer system comprising:

a plurality of components (see paragraph 0060);

a plurality of interfaces enabling interactions between said plurality of components (see paragraph 0061);

a repository of data representing a current condition of said plurality of components and an interaction between said plurality of components, wherein at least some of said data includes a historic indication being at least one of a version and an update level (see paragraph 0117); and

a search code enabling said repository of data to be searched for determining a status of a particular one of said plurality of components (see paragraph 0116 and see paragraph 0161).

As to claim 2, Kampe et al. teaches wherein said repository of data is arranged as a tree structure (see paragraph 0115, where "tree" is read on "hierarchically structured").

As to claim 3, Kampe et al. teaches further comprising a table enabling correspondence between a non-historic identifier of a particular one of said plurality of components and a portion of said repository of said data corresponding to said particular one of said components identified by a historic identifier (see paragraphs 0116-0117).

As to claim 4, Kampe et al. teaches wherein said historic indication comprises an identifier in said tree structure (see paragraph 0015).

As to claim 5, Kampe et al. teaches wherein said search code is arranged as a directory server cooperating with said repository (see paragraph 0112).

As to claim 6, Kampe et al. teaches wherein said repository of data comprises separate subsets of data for modeling said condition of said plurality of components and said interactions of said plurality of components (see paragraphs 0109-0110 and see paragraph 0117).

As to claim 7, Kampe et al. teaches wherein said repository of data comprises data modeling software components and data modeling hardware components (see paragraph 0048 and see paragraphs 0053-0054 and see figures 3 and 4).

As to claim 8, Kampe et al. teaches wherein said repository of data comprises a first subset of data defining a directional interaction between a server component providing and interface and a client component using said interface (see paragraph 0141).

As to claim 9, Kampe et al. teaches wherein said first subset of data is arranged to attach a "provide" version range identifying value to said server component and a "use" version range identifying value to said client component (see paragraph 0141).

As to claim 10, Kampe et al. teaches wherein said repository of data includes a current group of data and is adapted to received a new group of data (see paragraph 0140); and

further comprising an update code capable of concurrently processing said current group of data and said new group of data, with a view to update said computer system (see paragraph 0143).

As to claim 11, Kampe et al. teaches wherein said update code is capable of commit from said current group of data to said new group of data (see paragraph 0148); and

said update code is capable of rollback from said new group of data to said current group of data (see paragraph 0148).

As to claim 12, Kampe et al. teaches wherein said repository of data comprises data relating to a configuration state of said computer system (see paragraph 0108).

As to claim 13, Kampe et al. teaches wherein said repository of data relating to a schema of a configuration state of said computer system (see paragraph 0108).

As to claim 14, Kampe et al. teaches wherein said search code is accessible to a management service code (see paragraph 0161).

As to claim 15, Kampe et al. teaches A method of managing a computer system, comprising:

defining a plurality of entities in said computer system as a plurality of components and a plurality of interactions between said plurality of components (see paragraphs 0060-0061); and

storing a group of data forming a searchable representation of said plurality of components and said plurality of interactions (see paragraphs 0116-0117 and see paragraph 0161).

As to claim 16, Kampe et al. teaches wherein said searchable representation is arranged as a tree structure (see paragraph 0115, where "tree" is read on "hierarchically structured").

As to claim 17, Kampe et al. teaches further comprising maintaining a table enabling correspondence between a non-historic identifier of a particular one of said plurality of components and said group of data for said particular one of said plurality of components, wherein said group of data comprises a historic indication (see paragraphs 0116-0117).

As to claim 18, Kampe et al. teaches wherein said historic identifier comprises part of a designation of a corresponding portion of said group of data in said tree structure (see paragraph 0115).

As to claim 19, Kampe et al. teaches wherein said group of data comprises a first subset for modeling said plurality of components and a second subset for modeling said plurality of interactions (see paragraphs 0109-0110 and paragraph 0117).

As to claim 20, Kampe et al. teaches wherein said group of data comprises data for modeling software components and data for modeling hardware components (see paragraph 0048; see paragraphs 0053-0054; and see figures 3 and 4).

As to claim 21, Kampe et al. teaches wherein said group of data comprises data defining a plurality of direction interactions, wherein each direction interaction is between a server component providing an interface and a client component utilizing said interface (see paragraph 0141).

As to claim 22, Kampe et al. teaches wherein said data defining a plurality of direction interactions comprises data arranged to attach a "provide" version range identifying value to said server component and a "use" version range identifying value to said client component (see paragraph 0141).

As to claim 23, Kampe et al. teaches further comprising:

wherein said group of data comprises a current group of data and is adapted to received a new group of data (see paragraph 0140); and

concurrently processing said current group of data and said new group of data, with a view to update said computer system (see paragraph 0143).

As to claim 24, Kampe et al. teaches wherein concurrently processing said current group of data and said new group of data comprises:

committing from said current group of data to said new group of data, when an update is authorized (see paragraph 0148); and

rolling back from said new group of data to said current group of data, when said update is not authorized (see paragraph 0148).

As to claim 25, Kampe et al. teaches wherein said group of data comprises data relating to a configuration state of said computer system (see paragraph 0108).

As to claim 26, Kampe et al. teaches wherein said group of data relating to a schema of a configuration state of said computer system (see paragraph 0108).

As to claim 27, Kampe et al. teaches further comprising determining a status of a particular one of said plurality of components (see paragraph 0161).

As to claim 28, Kampe et al. teaches wherein said determining said status is accessible to a management service (see paragraph 0161).

As to claim 29, Kampe et al. teaches wherein said group of data comprises data referred to component instances and data referred to component assignments (see paragraph 0079).

As to claim 30, Kampe et al. teaches a computer-readable medium containing a plurality of instructions which when executed cause a computer device to implement a method of managing a computer system, comprising:

generating a plurality of data defining a plurality of components and a plurality of interactions between said plurality of components (see paragraphs 0060-0061);

storing said plurality of data as a searchable tree structure (see paragraphs 0115 and 0117);

searching said tree structure wherein a status of a particular component is determined (see paragraphs 0079, 0116, and 0161); and

enabling an interaction between a first and second ones of said plurality of components as a function of said status (see paragraph 0082).

As to claim 31, Kampe et al. teaches further comprising maintaining a table defining a mapping between a non-historic identifier of each of said plurality of components and a portion of said plurality of data corresponding to each of said plurality of components identified by a historic indication, wherein said historic indication is associated with a particular leaf of said searchable tree structure (see paragraphs 0115-0117).

As to claim 32, Kampe et al. teaches wherein said plurality of data comprises:

a first subset of data for modeling said components (see paragraphs 0109-0110); and

a second subset of data for modeling said interactions between said plurality of components (see paragraph 0117).

As to claim 33, Kampe et al. teaches wherein said plurality of data comprises:

a third subset of data for modeling software components of said plurality of components (see paragraph 0048; see paragraph 0054; see figure 4); and

a fourth subset of data for modeling hardware components of said plurality of components (see paragraph 0048; see paragraph 0053; and see figure 3).

As to claim 34, Kampe et al. teaches further comprising:

updating a portion of said plurality of data if a configuration update is authorized (see paragraph 0148); and

rolling back an updated portion of said plurality of data if a configuration update is not authorized (see paragraph 0148).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb
13 Mar 2006

SAM RIMELL
PRIMARY EXAMINER